

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: TWIN RIVERS VALLEY TELEPHONE	DOCKET NOS. TCU-97-42 TF-02-514 WRU-02-41-3146
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**ORDER APPROVING TARIFF, CONCURRENCE WITH MAPS,
GRANTING WAIVER, AND ISSUING CERTIFICATE**

(Issued November 22, 2002)

On October 11, 2002, Twin Rivers Valley Telephone (Twin Rivers) filed a proposed tariff with the Utilities Board (Board) providing the terms, conditions, and rates for local exchange service for residential and business customers in the Humboldt, Gilmore City, Hardy-Renwick, Bode-Livermore-Ottosen, Bradgate, LuVerne, Algona, Wesley, and Whittemore, Iowa, exchanges. The proposed tariff has been identified as Docket No. TF-02-514.

Also on October 11, 2002, Twin Rivers filed updated information under Docket No. TCU-97-42. This information included financial information for the years 2000 and 2001, a statement that it will support a 2-PIC methodology for dialing parity, and a statement that Twin Rivers' service territory will mirror the service territories of the exchanges and services area maps of Qwest Corporation (Qwest) as they are currently filed and may be modified in the future.

On March 17, 1998, the Board issued an order in Docket No. TCU-97-42, approving Twin Rivers' application to provide service in the above listed exchanges.

The order states that a certificate would be issued when Twin Rivers gave notice to all affected local exchange carriers, obtained an approved tariff setting forth the prices, terms, and conditions of local exchange service in Iowa, and obtained approval of maps defining the service territory where Twin Rivers intends to serve all eligible customers. Twin Rivers requests the Board approve the proposed tariff and grant it a certificate to provide service in the listed exchanges.

Iowa Code § 476.29(4) requires that each certificate define the service territory in which land-line local telephone service will be provided and authorizes the Board to promulgate rules establishing the requirements for filing maps showing the service territory. Subrule 199 IAC 22.20(3) requires that all utilities have on file with the Board maps that show exchange boundaries. The Board finds that Twin Rivers has complied with the statutory and rule requirements by concurring in the exchange maps of Qwest.

The Board has reviewed the proposed tariff and finds it substantially complies with Board rules for the filing and processing of tariff pages. The tariff contains rates for both business and residential customers. Notice was provided to all affected carriers and Twin Rivers provided updates to its technical, managerial, and financial capabilities. The Board will approve Twin Rivers' tariff effective the date of this order and issue Twin Rivers a certificate concurrent with this order.

Twin Rivers has also requested that the Board waive the requirements of 199 IAC 22.3(1) and 199 IAC 16.5(2). The request has been identified as Docket No. WRU-02-41-3146.

Twin Rivers requested a waiver of 199 IAC 16.5(2), which requires the keeping of records according to the uniform system of accounts. Twin Rivers states that it employs an accounting system in accordance with generally accepted accounting principles (GAAP). The Board finds this waiver should be granted, since records kept in accordance with GAAP accounting are acceptable for a local exchange service provider.

Twin Rivers also requested a waiver of 199 IAC 22.3(1), requiring it to independently publish a directory. The Board will grant this waiver based upon Twin Rivers' statement that it will arrange for its customers to be included in the directories published by Qwest in the areas where it provides local exchange service.

Rule 199 IAC 1.3 states that the Board may grant a waiver if it finds, based upon clear and convincing evidence, that the application of the rule would pose an undue hardship, would not prejudice the substantial legal rights of any person, the provisions waived are not specifically mandated by statute, and substantially equal protection of public health, safety, and welfare will be afforded after the waiver. The Board has considered the waiver requests as described above and finds that the waiver meets the four criteria of the rule and the evidence in support of the waiver is clear and convincing.

Adherence to these rules would be an undue hardship on a competitive telecommunications company just beginning to do business in Iowa. It would be an undue hardship on Twin Rivers because other competitive carriers have been granted similar waiver requests. The Board finds there are no substantial legal rights

of any person that are affected by these waivers and there is no statute that specifically mandates the actions waived. Additionally, the Board finds that there will be substantial equal protection for health, safety, and welfare provided since the actions waived will be completed under different circumstances.

IT IS THEREFORE ORDERED:

1. The tariff filed by Twin Rivers Valley Telephone on October 11, 2002, is approved effective the date of this tariff.
2. The concurrence in the maps and boundaries of the listed exchanges of Qwest Corporation is approved.
3. The waiver of 199 IAC 22.3(1) and 199 IAC 16.5(2) is granted as described in this order.
4. A certificate, identified as Certificate No. 0257, is being issued to Twin Rivers Valley Telephone concurrent with this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 22nd day of November, 2002.